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Mayor
Council Member
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None

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Gregory Jay Schafer
Richard Waddingham
Neil Forster
Alan Riding
Judy Baker
Deb Greathouse
Gerry Ogden
LaMar Stephenson
Dennis Lowe
Jim & Juliene Withers
Rodger Scoville
Steve Lester
Kathy Walker
Mervin Williams
Joe Young
Rose Ann Young
Phil Sabey
Brent Berkley
Wendy J. Berkley
Grant Nielson
Betty Jo Western
Marjorie Riding
Jane Beckwith
Gloria Pedroza
Ronald Draper
Karl Jeffery
Robert Droubay

[illegible]

Mayor Bunker called the meeting to order at 7:00 p.m. He stated that notice of the meeting time, place, and agenda had been posted at the City Building, had been provided to the Millard County Chronicle/Progress, KNAK Radio, and to each member of the City Council, at least two days prior to the meeting. City Recorder Gregory Jay Schafer acted as secretary.

Council Member Bruce Curtis offered an invocation, after which Mayor Bunker led those in attendance in the Pledge of Allegiance.

MINUTES

The proposed minutes of a Regular City Council Meeting held December 10, 2001 were presented for consideration and approval. Following review, Council Member Glen Swalberg MOVED to approve the minutes of the Regular City Council Meeting held December 10, 2001, as presented. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a copy of which had been given to them two days prior to the meeting. Following review, Council Member Wesley Bloomfield MOVED to approve the accounts payable, dated January 14, 2002, in the amount of \$189,018.60. The motion was SECONDED by Council Member Bruce Curtis. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

UNFINISHED BUSINESS

There were no items of unfinished business on the agenda.

NEW BUSINESS

DENNIS LOWE: REQUEST FOR A TWO FOOT REDUCTION IN A SEVEN FOOT PUBLIC UTILITY EASEMENT ALONG THE NORTHERNMOST BOUNDARY OF LOT 58, WHITE SAGE SUBDIVISION, LOCATED AT APPROXIMATELY 270 SOUTH COTTONWOOD DRIVE

Mayor Bunker noted that a public hearing had been held prior to this meeting for the purpose of receiving public comment regarding Mr. Lowe's request for a two foot reduction in the public utility easement along the north boundary of his property located at approximately 270 South Cottonwood Drive. He stated that no negative comment was received by the public hearing.

Mr. Lowe stated that he had obtained all the necessary signatures from White Sage Subdivision residents and had met with the Planning & Zoning Commission regarding the matter. City Attorney Richard Waddingham presented the Council with the following ordinance:

ORDINANCE NO. 02-198

AN ORDINANCE TO AMEND THE WHITE SAGE SUBDIVISION PLAT, AFFECTING THE WHITE SAGE SUBDIVISION PROPERTY LOCATED IN DELTA, UTAH, BY PARTIALLY VACATING A PUBLIC UTILITY EASEMENT LOCATED ON THE NORTHERN MOST BOUNDARY OF LOT 58, WHITE SAGE SUBDIVISION.

Council Member Glen Swalberg MOVED to approve Ordinance No. 02-198 an ordinance to amend the White Sage Subdivision Plat, affecting the White Sage Subdivision property located in Delta, Utah, by partially vacating a public utility easement along the northern most boundary of Lot 68, White Sage Subdivision, located at approximately 270 South Cottonwood Drive, White Sage Subdivision. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Wesley Bloomfield	Yes
Bruce Curtis	Yes
Margaret Dutson	Yes
Glen Swalberg	Yes

The motion passed unanimously.

JIM WITHERS: BUILDING LOCATED AT APPROXIMATELY 233 WEST 100 NORTH

Mayor Bunker advised the Council that Mr. Withers has had some settling of his building and filed a claim with the Delta City insurer, who requested that Sunrise Engineering look at the building. Following review by Sunrise Engineering Co., the insurer has denied Mr. Withers' claim for damage to the building.

Mr. Withers reported to the Council that he is approaching the Council due to the fact that he disagrees with the finding of both the engineer and the insurance company. He stated that he was advised to meet with the City Council to explain his point of view. As background, Mr. Withers noted that the building had been constructed in 1980 by Bent Mork. In the fall of 2000, he noticed that there was an approximately 1/4" crack in the block on the northeast corner of the building about 6-7 feet above the ground, running about 5-6 feet on the north side of the building and about 3 feet on the east side of the building. When he noticed the crack, he asked County Building Inspector Gary Church to inspect the damage; Mr. Church indicated that there was apparently a problem with the foundation to cause the settling of the building. In looking for a cause, he noted that there was

a culvert under the street which enters a junction box, having a 3 foot square open outlet that was full of water. At this point, Mr. Church suggested that Mr. Withers contact Delta City to determine why the water was standing in the open outlet.

When preparing to use the building in September, 2001, Mrs. Withers noticed glass on the table inside the building. When looking around the building, Mr. Withers noticed that the crack was about twice as wide as it had been a year earlier. The glass inside the building had come from a window breaking due to the settling. When checking, Mr. Withers noted that water was still standing in the same area where it had been the previous year.

Mr. Withers contacted Alan Riding and Ken Clark of Delta City Public Works Department to discuss this matter. Mr. Withers then contacted Mayor Roper, who in turn contacted Delta City's insurer. When their representative looked at the building, she determined that she would need to have Sunrise Engineering evaluate the situation. The next information Mr. Withers received was that the insurer had denied his claim, based on information provided by Sunrise Engineering.

Mr. Withers stated that he feels that the standing water has caused the foundation of his building to settle and he feels that something needs to be done to correct the problem and repair the structure of his building.

Council Member Bloomfield felt that the Council should attempt to get additional information relative to the reason for denial of Mr. Withers claim. The Council instructed City Attorney Richard Waddingham to attempt to contact Delta City's insurer to obtain additional information regarding the denial of Mr. Withers' claim. Mr. Withers was advised that, if he has not been contacted within thirty days, he should contact Delta City.

BOB RAINSDON: POSSIBLE LEASE OF RIFLE RANGE/AIRPORT PROPERTY FOR RANGE LAND

Mayor Bunker advised the Council that Delta City obtained sixty acres of land from the Bureau of Land Management for the rifle range, a large portion of which is located on the hill above the rifle range. In reading the agreement for use of the property, it has become necessary to clarify some of the terms with the Bureau of Land Management. Mayor Bunker advised the Council that he would like to have discussion on this item tabled until that clarification is obtained. Mr. Rainsdon has been contacted and advised that no action will be taken on this matter at this meeting. Council Member Bruce Curtis MOVED to table discussion of this item until additional information can be obtained from the Bureau of Land Management. The motion was SECONDED by Council Member Glen Swalberg. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

FIRE CHIEF RODGER SCOVILLE: FIRE DEPARTMENT ANNUAL REPORT

Fire Chief Rodger Scoville advised the Council that the Fire Department has re-elected their officers from last year to serve for the coming year. Those officers are:

Fire Chief	Rodger Scoville
Assistant Chief	Ben Johnson
Lieutenant	Troy Davis
Training Officer	Lynn Ashby
Secretary	Bryan Christensen

Chief Scoville noted that the Fire Department had responded to 140 incidents, of which 11 were structure fires, 7 were wild land fires, 24 injury accidents, 29 general fires, 13 false alarms, 6 assists to other departments, 5 vehicle fires, 3 rescues, 1 plane wreck and 1 hazardous materials incident. The average response time was 3.05 minutes; the longest response time was 13 minutes and the shortest was zero. This response time is measured from the time the pager sounds until the department is enroute to the incident. The Fire Department had combined training of 505.5 hours certified training, plus some regular training from the department training officer. The average attendance was 14 firemen per fire and 18 per meeting. The department has eight certified Fire Fighters I, two red card or Wild Land Certified Fire Fighters I and twelve in process. There are two EMTs, one State Department Tester, one dive master and seven certified divers and one member of the Millard County Rope Rescue Team. Chief Scoville feels that the department is very well qualified and is progressing well.

Council Member Wesley Bloomfield MOVED to accept the officers of the Fire Department, as elected. The motion was SECONDED by Council Member Bruce Curtis. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Bunker asked Chief Scoville to express the appreciation of the Council to each volunteer firefighter for the time and expense they put in for the safety of Delta area residents.

CITY LIBRARIAN DEB GREATHOUSE: DISPOSITION OF OLD/UNUSED EQUIPMENT

City Librarian Deb Greathouse reported that the library is accumulating a number of old and unused computers, printers, etc., and requested that the Council advise her what procedure to follow in disposing of the items. There is currently two monitors, two UPS boxes, four keyboards, six sets of speakers, an old chip box, an IBM 286, and a printer with miscellaneous cords, etc. The items are taking up a great deal of space and need to be disposed of.

City Attorney Richard Waddingham advised the Council that he feels there is a policy which deals

with disposal of city property. He will research whether that policy would be applicable to this situation.

Council Member Wesley Bloomfield MOVED to table further discussion of this matter until City Attorney Richard Waddingham has adequate time to research the existence of a policy or procedure dealing with disposal of old equipment. The motion was SECONDED by Council Member Bruce Curtis. Mayor Bunker asked if there were any comments or questions regarding the motion. There being done, he called for a vote. The motion passed unanimously.

CITY LIBRARIAN DEB GREATHOUSE: LIBRARY ADDITION C.I.B. FUNDS BALANCE

City Librarian Deb Greathouse asked Library Board Chairperson LaMar Stephenson to present this item to the Council. Mr. Stephenson distributed to the Council pictures of a bronze sculpture of Mark Twain sitting on a park bench. Mr. Stephenson requested that the scope of the library expansion project be expanded to include purchase of the bronze sculpture, which would be a functional piece of art work to be used by library patrons. The cost of the sculpture is \$29,000. Mr. Stephenson stated that there have been many improvements made to the library, but it still looks like the "back door" of the building and he felt that this sculpture would provide a functional piece of art which would draw interest to the library and a bit of "class" to the entire city complex. Additional funds are not being requested, just use of the remainder of the library expansion funds, in which Delta City has a balance of approximately \$29,000.

Library Board Chairperson Lamar Stephenson said that the seller had the sculpture in his pickup, parked outside the Council Chambers; Mr. Stephenson invited Council Members to step outside to see the actual sculpture. The Council and those in attendance then went outside to view the sculpture.

Upon returning to the Council Chambers, Ronald Draper approached the Council and stated that he was speaking to them both as a resident of Delta City and as president of the Cultural Council. Mr. Draper had made a list of reasons in favor of purchasing the Mark Twain sculpture. He felt that we should attempt to bring art into Delta City because art uplifts the soul. In addition, looking at the sculpture of Mark Twain sitting on a bench reading a book brings out the feelings of imagination, romance, learning, history, etc. In a practical sense, he felt that the purchase would be a practical investment in beautifying Delta, much as the planters on Main Street and lights in the park at Christmas time. He felt that the purchase price is a bargain for that size sculpture and would be a very long term investment for Delta City. Mr. Draper strongly encouraged the Council to consider using the grant funds for purchase of the sculpture.

Mr. Lance Allen approached the Council, stating that he is a consultant for Gary Price, the sculptor of the Mark Twain sculpture. He advised the Council that he has attended a number of art galleries and art shows while working with Mr. Price. Mr. Allen felt that the sculpture would add value to the community, would lift peoples' spirits, encourage them to read and to dream. He stated that he

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has offered to discount the price of the sculpture in order to assist the library in being able to purchase the sculpture and to deliver the sculpture to Delta for the price of \$25,000.

Council Member Wesley Bloomfield MOVED to approve expenditure of the C.I.B. library expansion funds in the amount of \$25,000 for purchase of a Mark Twain bronze sculpture. The motion was SECONDED by Council Member Margaret Dutson. Former Mayor Grant Nielson approached the Council urging them to expend the available funds on this purchase which will stimulate education. Council Member Wesley Bloomfield asked Mr. Allen about what maintenance would be required for the sculpture. Mr. Allen advised the Council that it can be allowed to age naturally or it can be waxed to maintain the patina color. Mayor Bunker asked if there were any other comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR GAYLE BUNKER: SIX MONTH MORATORIUM ON BILLBOARDS IN DELTA CITY

Mayor Bunker reminded the Council that they had previously approved a six month moratorium on billboards within Delta City, which has expired. He reported that the Planning & Zoning Commission has recommended that an additional six month moratorium be approved to allow time for the Planning & Zoning Commission to determine how to handle billboards in Delta City.

Council Member Wesley Bloomfield MOVED to approve a moratorium on construction of new billboards within Delta City for six months, beginning as of this date. The motion was SECONDED by Council Member Glen Swalberg. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR GAYLE BUNKER: INTERVIEW APPLICATIONS FOR APPOINTMENT TO VACANT CITY COUNCIL POSITION

Mayor Bunker advised those who had applied for appointment to the City Council position vacated by his election as Mayor, that the appointment would be for a two year term and the seat would be up for re-election in November, 2003. He noted that nine individuals had turned in applications for appointment to fill the vacancy. Each of those individuals were allowed a few minutes to explain why they would be an asset to Delta City and to allow Council Members to ask questions of each individual. Mayor Bunker stated that no decision would be made at this meeting, only interviews and discussion of the applicants would be done at this time. A decision would be made and appointment take place at the next regular City Council meeting.

The individuals were interviewed in the following order:

Rob Droubay
Phil Sabey
Mervin Williams

Marjorie Riding
Betty Jo Western
LaMar Stephenson
Karl Jeffery
Joe Young
Brent Berkley

Following interview of the individuals, Mayor Bunker thanked those who had applied for appointment to the City Council and told them that a decision would be made at the January 28, 2002 Regular City Council Meeting.

OTHER BUSINESS

Council Member Glen Swalberg advised the Council that he had recently met with the Great Basin Museum Board. They requested assistance of the City in preparing a sidewalk area for new concrete. Council Member Wesley Bloomfield MOVED to approve use of Delta City equipment and labor to prepare the sidewalk at the Great Basin Museum for new concrete. The motion was SECONDED by Council Member Bruce Curtis. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Council Member Glen Swalberg also reported that the Great Basin Museum president had been engaged in a discussion with a School Board Member who stated that the School District would be interested in Delta City acquiring the current School District Office property. Mayor Bunker reported that he had recently met with the Millard School District Superintendent and was advised that the School District is considering abandoning the current district office and the Superintendent felt that the School Board would like to have Delta City take ownership of the property.. Mayor Bunker would like to see the existing building demolished and a new building constructed as a museum, so that the museum would be in the central park. Council Member Swalberg advised the Council that the museum board will be researching grants which may be available. Mayor Bunker will contact Millard School District Superintendent to determine whether or not they will be abandoning the property and the time schedule.

Council Member Wesley Bloomfield reported on the Utah League of Cities & Towns Legislative Policy Meeting in Salt Lake City. Council Member Bloomfield advised the Council the policy meetings attempt to forewarn city officials of senate bills or house bills which are about to go before the legislature in order to allow city officials the opportunity to contact their legislative representative. One bill is an effort to bring all courts, including justice courts, into better communication regarding DUI offenses. This bill could require Delta City to expend additional

monies for software and, perhaps, clerical assistance in the justice court department.

House Bill 33 would require verification of voting equipment throughout the State. Senate Bill 98 limits billboards within 500 feet of an interstate highway entrance or exit; the Utah Department of Transportation and Utah League of Cities and Towns are both supporting this bill. Senate Bill 102 would restrict municipalities from doing their own construction, with their own equipment, if the cost of the construction amounts to \$100,000. The legislation would also permit contractors to file suit against a municipality for doing their own construction. The legislation would include any type government facility such as water companies, school districts, etc. There is a Joint Resolution amending the revenue taxation article exemptions, which would impose a tax on government entities that compete against private entities; i.e., golf courses. In another action, Governor Leavitt is proposing a reduction of 16% in Class B & C Road Funds which are paid to municipalities. The Utah League of Cities & Towns urges city officials to contact their legislative representatives to express their support or opposition to the various issues.

In addition, Council Member Bloomfield reported that Mayor Billings of Provo has invited all city officials and their families to attend an ice carving competition to be held February 16th at Center Street and University Avenue in Provo.

Mayor Bunker noted that Park City had invited city officials to attend a reception to be held in Park City during the Olympics.

Council Member Wesley Bloomfield MOVED to adjourn to Executive Session for the purpose of discussing the character, professional competence, or physical and mental health of the individuals who have applied for appointment to the Delta City Council. The motion was SECONDED by Council Member Glen Swalberg. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Following conclusion of the Executive Session, Council Member Wesley Bloomfield MOVED to adjourn the Executive Session and return to Regular City Council Meeting. The motion was SECONDED by Council Member Bruce Curtis. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

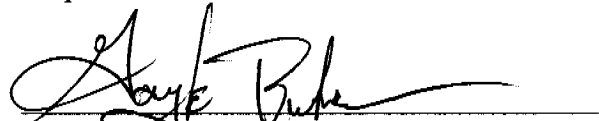
Mayor Bunker asked if there were any comments, questions, or other items to be discussed. There being none, Council Member Glen Swalberg MOVED to adjourn the meeting. The motion was SECONDED by Council Member Bruce Curtis. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

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Mayor Bunker declared the meeting adjourned at 10:04 p.m


GAYLE BUNKER, Mayor


GREGORY JAY SCHAFER, C.M.C., City Recorder

MINUTES APPROVED: RCCM 01-28-02

